THE HONORABLE BRIAN D. LYNCH 1 **CHAPTER 13 HEARING DATE: October 2, 2018** 2 **HEARING TIME: 1:00 P.M. LOCATION: Vancouver, Washington** 3 **RESPONSE DATE: September 25, 2018** 4 5 6 7 8 9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 In re: Case No.: 18-42439-BDL 13 TERESA KAY REYNOLDS, **OBJECTION TO CONFIRMATION WITH** STRICT COMPLIANCE 14 Debtor. 15 16 COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to 17 confirmation as follows: 18 **BACKGROUND** 19 Debtor filed this Chapter 13 case on July 13, 2018. The applicable commitment period is 20 sixty months. The case is currently in the second month and the Meeting of Creditors has been 21 completed. The bar date for filing non-governmental claims was September 21, 2018. Filed 22 unsecured claims total \$42,151.39 (including Debtor's student loan). The plan as filed proposes 23 100% repayment to general unsecured filed and allowed claims, but proposes to pay Debtor's 24 student loan directly. 25

Michael G. Malaier Chapter 13 Standing Trustee 1551 Broadway, Suite 600 Tacoma, WA 98402 (253) 572-6600

OBJECTION

☑ Other:

Per the Court's recent oral ruling in *In re Frazier*, 17-44188-BDL, United States Bankruptcy Court, Western District of Washington, Trustee does not believe that Debtor's plan can be confirmed while proposing to pay Debtor's student loan directly, even if the remainder of Debtor's general unsecured claims are to be paid at 100%.

Debtor's plan is feasible to pay all unsecured claims, including her student loan claim to Navient/Great Lakes Higher Education in the amount of \$8,864.03, within 30 months. *See* Declaration of Ruth Wilson. Debtor's plan should be amended to remove the provision for direct payment of her student loan prior to confirmation.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and Debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 25th day of September, 2018.

MATATE

Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee

CERTIFICATE OF MAILING

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I certify under penalty of perjury under the laws of the United States that on September 25, 2018, I caused to be mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation and Declaration to the following:

TERESA KAY REYNOLDS 99 ALPHA DR LONGVIEW, WA 98632

The following parties received Trustee's Objection to Confirmation and Declaration via ECF:

Ellen Ann Brown U.S. Trustee

Executed at Tacoma, Washington this 25th day of September, 2018.

/s/ Ruth Wilson

Vancouver Motion Coordinator for Michael G. Malaier, Chapter 13 Trustee

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